

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2009-66-C - ORDER NO. 2009-156

MARCH 10, 2009

IN RE: Petition of BellSouth Telecommunications,)	ORDER REVERSING
Inc. d/b/a AT&T South Carolina for Review)	NUMBERING
of Numbering Resources Determination in)	DETERMINATION
the Charleston Rate Center)	

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Petition of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina ("AT&T" or the "Company") for Review of the North America Numbering Plan Administration's and/or the Pooling Administrator's (collectively "NANPA/PA") central office code numbering resources decision to deny the Company's request for assignment of 843-794-0000 through 843-794-9999 in the Charleston Rate Center to satisfy the request of its customer, the United States Navy. According to AT&T, it submitted this request to NANPA/PA on December 19, 2008. AT&T states it does not have the numbers to meet the United States Navy's request and asks that the Commission reverse NANPA/PA's denial.

NANPA/PA's refusal stems from the Federal Communications Commission's ("FCC") "rate center" basis for determining the need for new numbering resources. Under FCC rules, carriers must exhaust their numbering inventory within six months of the application and meet a rate center utilization threshold of 75 percent in order to

receive additional numbering resources. However, the record reveals that the Charleston Rate Center is 190.874 months from exhausting their inventory and is using 66.096 percent of its numbering resources.

AT&T states that it does not have the resources in the Charleston rate center necessary to serve the needs of its customer and will therefore be unable to provide the telecommunications services requested by this customer if the additional numbering resources are not obtained. Although AT&T fails to meet NANPA/PA's requirements, the FCC maintains a policy that "under no circumstances should customers be precluded from receiving telecommunications services of their choice from providers of their choice for want of numbering resources." FCC 000-429 at ¶ 61. To this end, the FCC allows carriers to challenge a NANPA/PA decision at the appropriate state regulatory commission. FCC 01-362 at ¶¶ 61-66; Central Office Code (NXX) Assignment Guidelines § 13.0. States may grant relief "if a carrier demonstrates that it has received a request for numbering resources in a given rate center that it cannot meet with its current inventory." FCC 01-362 at ¶ 64.

We find that the South Carolina Public Service Commission, as the regulator of the rates and service of telecommunications companies under the authority of S.C. Code Ann. § 58-9-210 et seq., has the authority under both the FCC's rules and the Central Office Code (NXX) Assignment Guidelines to review a decision by NANPA/PA denying a request for numbering resources. We further find that AT&T has demonstrated receipt of a customer request for numbering resources in the Charleston Rate Center that it cannot meet with its current inventory. It is our opinion that these additional numbering

resources are necessary for AT&T to provide its customer with the required telecommunications service. Consequently, we hold that NANPA/PA is directed to approve AT&T's request for assignment of 843-794-000 through 843-794-9999, which it recently requested for the Charleston Rate Center. This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman

(SEAL)